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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,479

12/03/2003

Gudmundur Fertram Sigurjonsson

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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314

EXAMINER

LEWIS, KIM M

ART UNIT

PAPER NUMBER

3772

MAIL DATE

DELIVERY MODE

08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/725,479

Applicant(s)

SIGURJONSSON ET AL.

Examiner

Kim M. Lewis

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4, 8-12, 16, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 13, 14, 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☒ Other: Detailed Action.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 5/31/07 has been received and made of record. As requested, the specification and claims 22-23 have been amended.

### ***Allowable Subject Matter***

2. The indicated allowability of the pending claims is withdrawn in view of the new rejection below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 1-4, 8-12, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,207,875 ("Lindqvist et al.") in view of U.S. Patent No. 6,461,467 ("Blatchford et al.").

As regards claims 1 and 10, Lindqvist et al. disclose a wound dressing comprising an absorbent foam core (2) having opposed proximal and distal surfaces, and a skin adherent, facing layer (3) having apertures therein, comprising an elastomeric gel and having a distal surface directly secured to the proximal surfaces of the absorbent core. Lindqvist et al. fail to teach at least two discrete sections having different degrees of skin adherence.

Blatchford et al., however, disclose a medical dressing with two adhesives, wherein one adhesive has greater adhesive tack than the other so as to allow the dressing to adhere to better to the skin at certain locations, for example, the periphery of the dressing, and adhere less to the portion which contacts the wound (abstract, col. 2, lines 12-20 and lines 31-38).

In view of Blatchford et al., it would have been obvious to one having ordinary skill in the art to provide the dressing of Lindqvist et al. with multiple adhesives such as that shown in Blatchford et al. in order to allow the center portion of the dressing which contacts the wound to adhere less than, for example, the periphery of the dressing to which surrounds the wound. This will allow the dressing to firmly adhere to the skin, but only at areas surrounding the wound.

As to claims 2, 4 and 11, note the rejection of claim 1 above. In further regard to claim 2, Blatchford et al. disclose in one embodiment that the periphery of the bandage

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has the high tack adhesive (col. 2, lines 31-35). The high tack adhesive has greater skin adherence than the portion of the dressing located near the center (Figs. 1 and 4A).

Thus, it would have been further obvious to provide the dressing of Lindqvist et al. with a border portion having a higher tack than the center of the dressing in order to allow the periphery of the dressing greater adherence to the skin.

As regards claims 3, 9, 12 and 20, the modified device Lindqvist et al. fails to teach a circular absorbent core and generally concentric central and border portions. However, it has been held that a change in shape of a prior device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Thus, to change the shape of the absorbent core and central and border portions would have been a design consideration to one having ordinary skill in the art.

As regards claims 8, 16, and 19 the facing layer of Lindqvist et al. is planar along its distal and proximal surfaces.

As regards claim 17, it is inherent that the skin adherence of each discrete section is substantially uniform.

#### ***Allowable Subject Matter***

6. Claims 5, 7, 13, 14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Monday to Friday, from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco, can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kim M. Lewis  
Primary Examiner  
Art Unit 3772

kml  
August 19, 2007